



**US Army Corps  
of Engineers®**  
New England District

696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Date:** April 7, 2009  
**Comment Period Ends:** May 8, 2009  
**File Number:** NAE 2008-1885  
**In Reply Refer To:** Mr. Brian Valiton  
**Or by e-mail:** brian.e.valiton@usace.army.mil

The District Engineer has received a permit application from the applicant below to **perform activities in or affecting navigable waters of the United States** as described below.

**APPLICANT:** Four Oceans, Inc. d/b/a Chatham Yacht Basin, 99 Squanto Drive, Chatham, Massachusetts

**ACTIVITY:** The owners of the existing facility have applied to establish a re-configuration zone around the docks connected to the shore at their existing marina facility in Oyster Pond River. The existing structures at this facility have been previously permitted by the Corps. This would enable the owners, without applying for separate approvals from the Corps, to relocate docks and pilings within the zone. The drawings delineating the proposed reconfiguration zone are attached and are titled "PURPOSE: TO ESTABLISH A ZONE OF RECONFIGURATION IN OYSTER POND RIVER ADJACENT CREEK, CHATHAM, BARNSTABLE COUNTY, MA APPLICATION BY: FOUR OCEANS INC." and dated December 1, 2008 in 4 sheets.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in Oyster Pond River at 99 Squanto Drive, Chatham, Massachusetts. The proposed location on the USGS Chatham quadrangle sheet, zone 19, is at UTM coordinates 4614100.00 N and 0418200.00 E.

## **AUTHORITY**

Permits are required pursuant to:

- ☒ X Section 10 of the Rivers and Harbors Act of 1899  
☐ Section 404 of the Clean Water Act  
☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue,

modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

#### SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- ( ) Permit, License or Assent from State.
- ( ) Permit from Local Wetland Agency or Conservation Commission.
- ( ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Mr. Brian Valiton at (978) 318-8166, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a

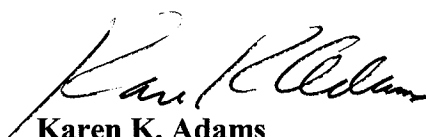
**CENAE-R-PEA**  
**FILE NO. NAE-2008-1885**

public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

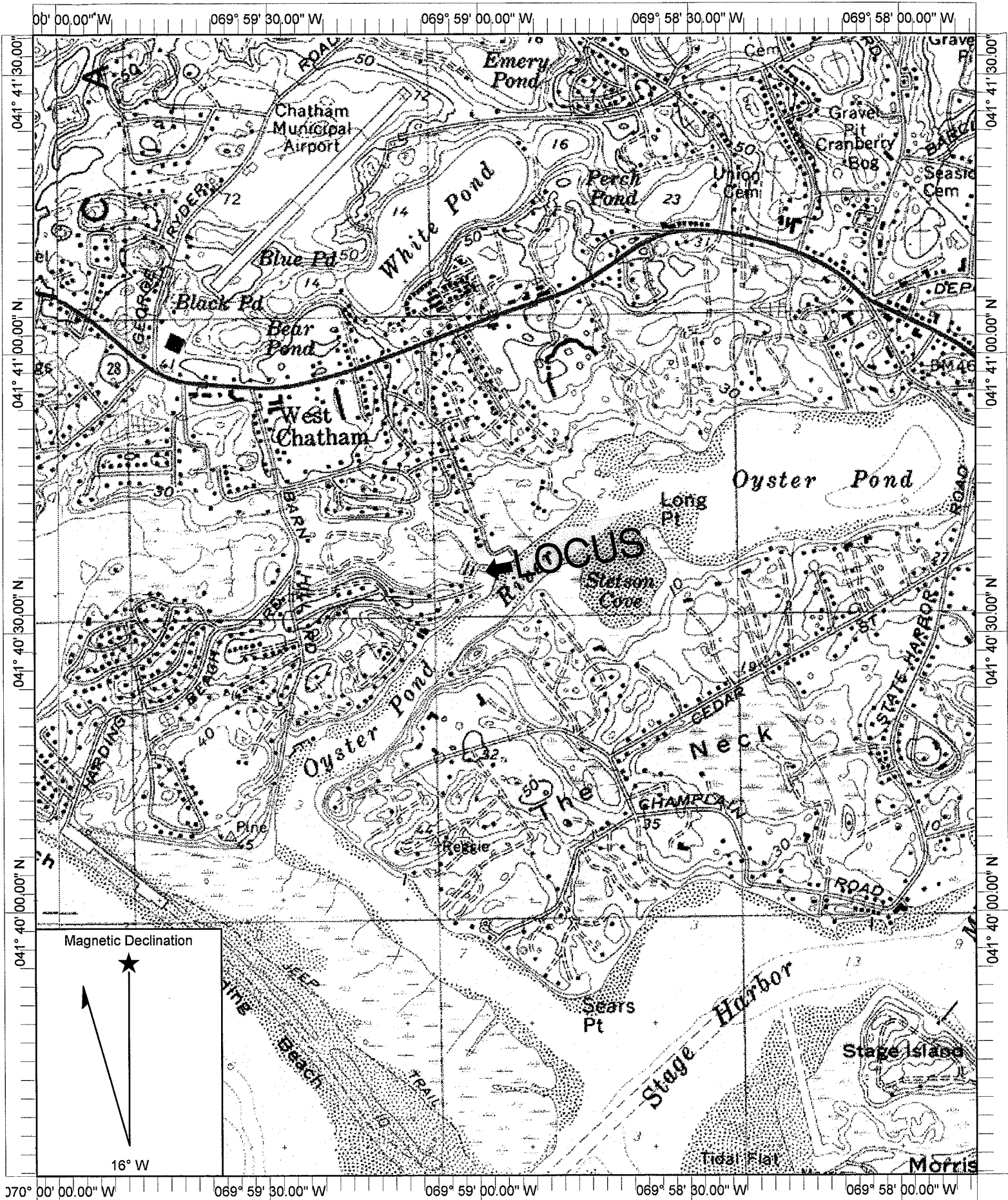
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



**Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

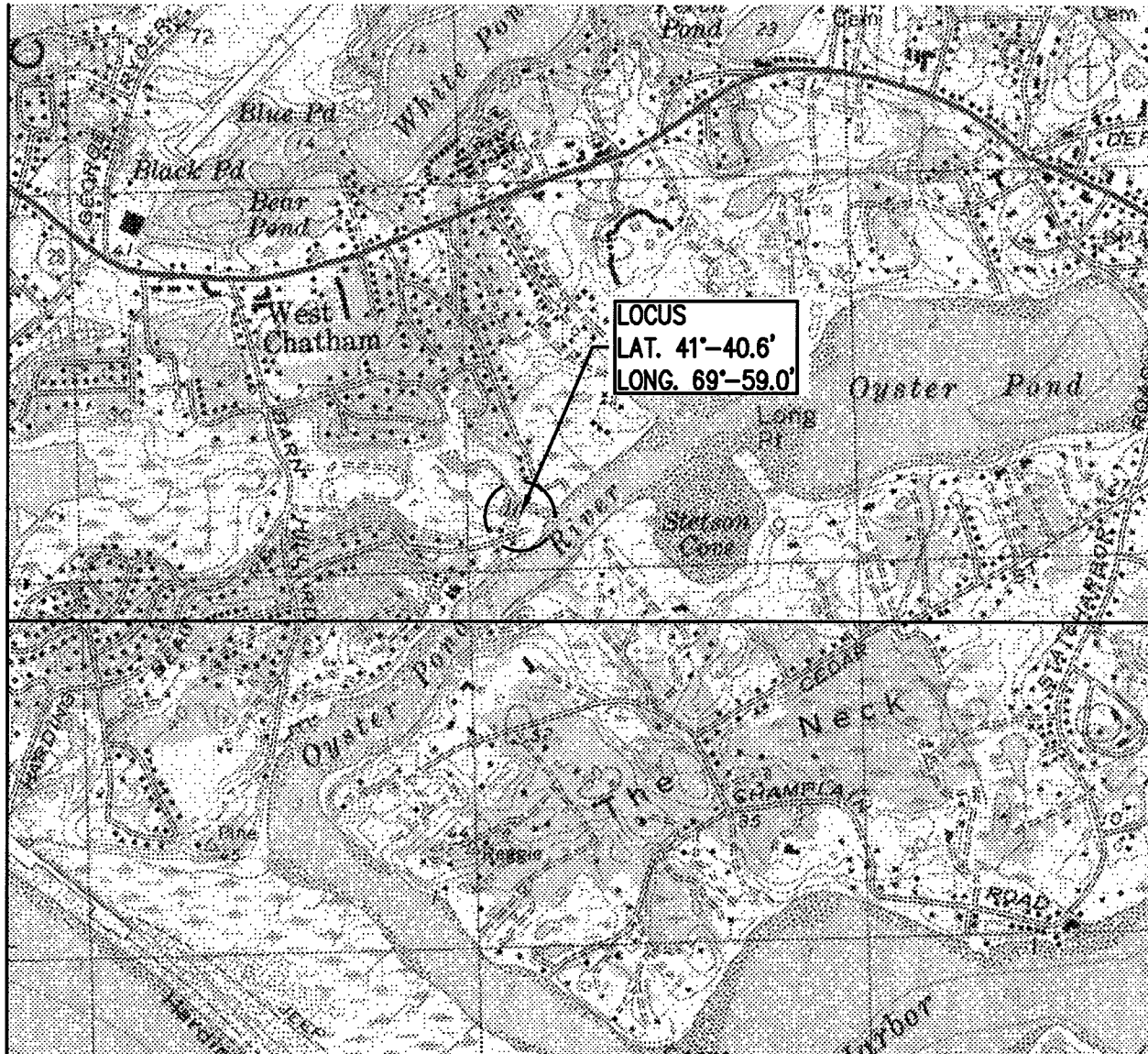


Name: CHATHAM  
 Date: 1/2/2009  
 Scale: 1 inch equals 1333 feet

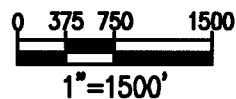
Location: 041° 40' 33.00" N 069° 58' 56.18" W NAD 27  
 Caption: C12377.03/CYB/ACOE  
 99 Squanto Drive  
 Map 10C Parcel E14A

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.

REF: TOWN ASSESSOR'S MAP 10C, PARCEL E 14 A



### PLAN



SOURCE: U.S.G.S. QUADRANGLE "CHATHAM - MA."

DRAWING C12377\_03.dwg  
DRAWN BY: KES  
C12377.03

PURPOSE:  
TO ESTABLISH A ZONE OF  
RECONFIGURATION IN OYSTER POND  
RIVER ADJACENT CREEK, CHATHAM,  
BARNSTABLE COUNTY, MA

### VICINITY MAP

APPLICATION BY:  
FOUR OCEANS, INC.

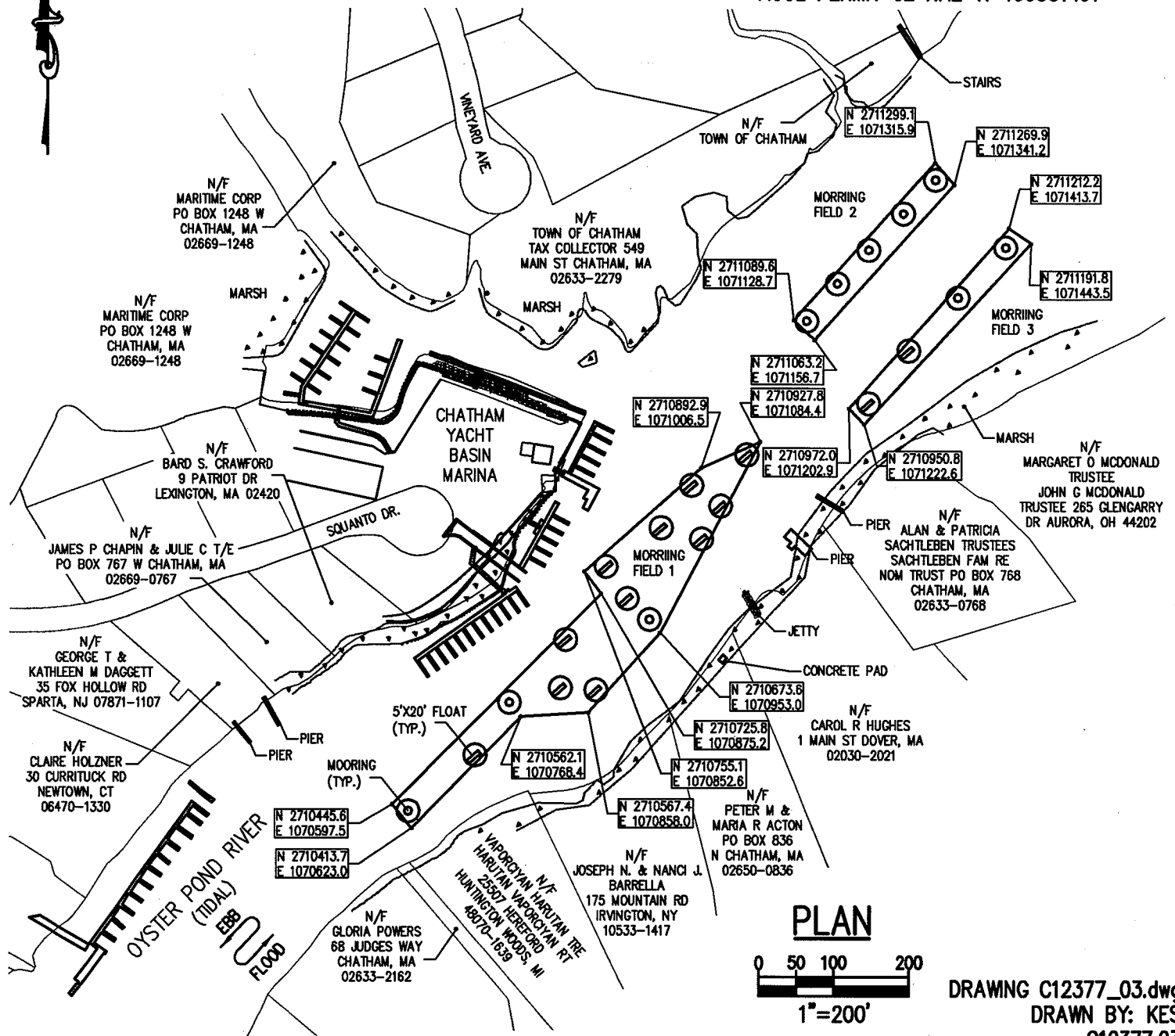
PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

DECEMBER 1, 2008

SHEET 1 OF 4

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.

REF: TOWN ASSESSOR'S MAP 10C, PARCEL E 14 A  
ACOE PERMIT CE NAE-R-199901491



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## EXISTING CONDITIONS

APPLICATION BY:  
FOUR OCEANS, INC.

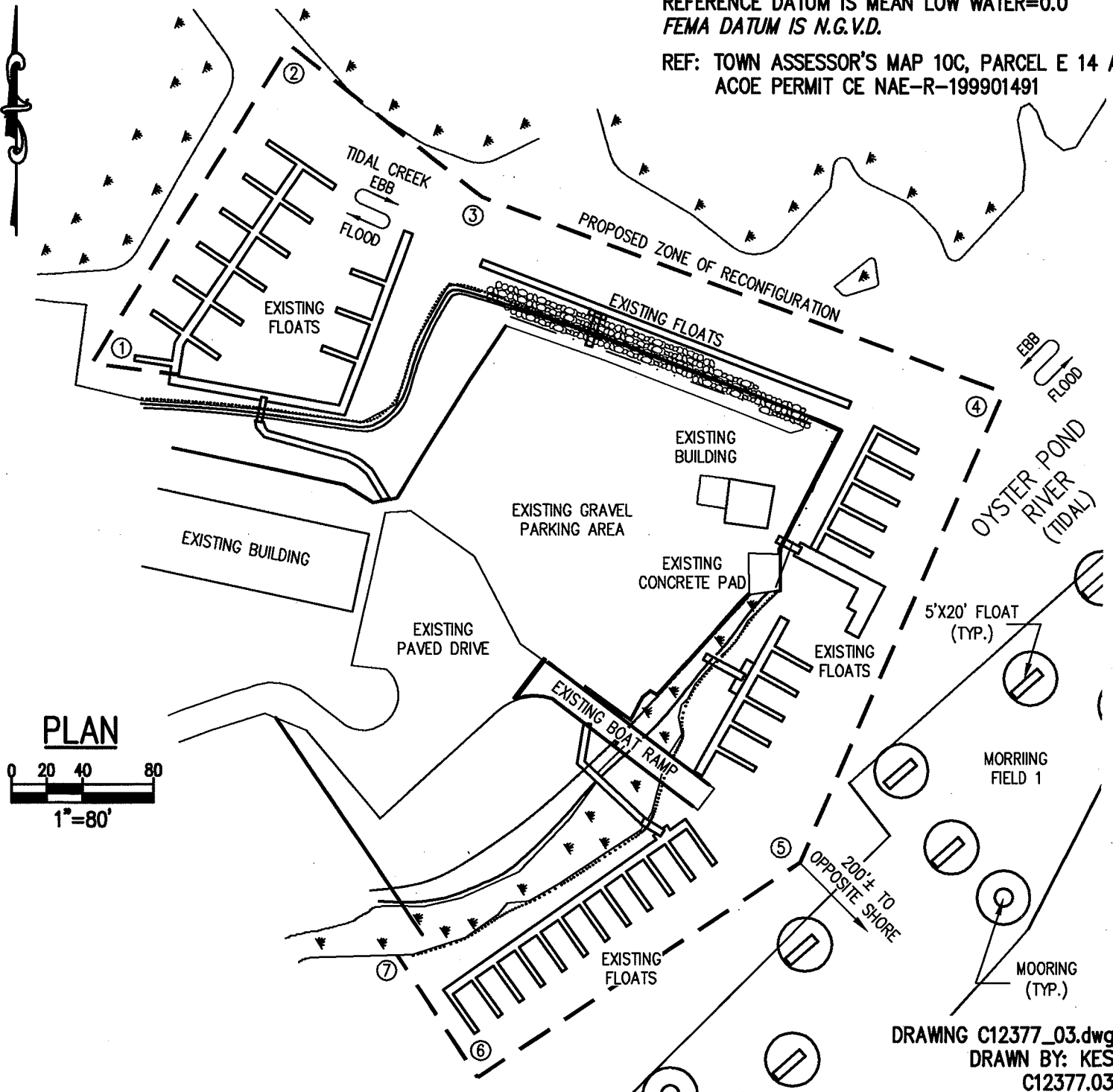
PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

DECEMBER 1, 2008

SHEET 2 OF 4

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.

REF: TOWN ASSESSOR'S MAP 10C, PARCEL E 14 A  
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C12377.03

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## PROPOSED RECONFIGURATION ZONE SITE PLAN

APPLICATION BY:  
FOUR OCEANS, INC.

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

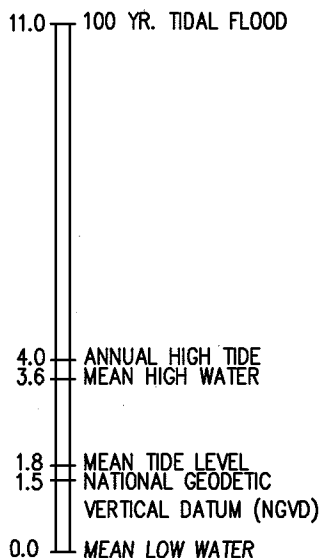
DECEMBER 1, 2008

SHEET 3 OF 4

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.

RECONFIGURATION ZONE COORDINATES ARE IN NAD83 FEET		
	NORTHING	EASTING
1	2710989.5	1070429.6
2	2711167.7	1070540.1
3	2711082.4	1070647.8
4	2710973.6	1070938.4
5	2710710.6	1070825.1
6	2710590.4	1070645.6
7	2710658.9	1070600.7

MORRIS. OWNERS	
NAME	ADDRESS
RUBIN & CYNTHIA GRUBER	709 SUDBURY RD. CONCORD, MA. 01742
KARL METZ	8 BROOKVIEW COURT. HO HO KUS, NJ. 07423
THOMAS BENEVILLE	33 BOTE RD. GREENWICH, CT. 06830
ALISON & JOHN F. KARR	116 VINEYARD AVE. CHATHAM, MA. 02633
ANN COBANE	81 JOSHUA JETHRO RD. CHATHAM, MA. 02633
ROBERT YNDRA	PO BOX 905 W. CHATHAM, MA. 02669
GERARD & MARTHA HOAR	53 TRACY RD. NEW LONDON, NH. 03257
CHRISTOPHER RITCHIE	5 BUFFALO RUN SOUTHBOUGH, MA. 01772
RICHARD BELDING JR.	PO BOX 497 AVON, CT. 06001
WILLIAM PHILLIPS	1351 MAIN ST. CHATHAM, MA. 02633
RANDALL SAUL	PO BOX 1491 W. CHATHAM, MA. 02669
SARA & KEITH NICOLAI	PO BOX 908 W. CHATHAM, MA. 02669
ROBERT DAVIS	10 MILL POND CT. COS COB, CT. 06807
WILLIAM DISMUKES	43 CROSS CREEK DR. BIRMINGHAM, AL. 35213
JUDITH STEWART	117 BRIDLE TRAIL RD. NEEDHAM, MA. 02492
SEAN CASWELL	PO BOX 744 W. CHATHAM, MA. 02669
PHILIP CHRISTOPHE	PO BOX 1447 W. CHATHAM, MA. 02669
PRESCOTT ROMEYN	24 OLD FARM RD. DARIEN, CT. 06820
MICHAEL SMITH	67 MARTIN FARMS RD. HAMPDEN, MA. 01036
JEFFREY PATTERSON	PO BOX 31 W. CHATHAM, MA. 02669
BRIAN RITCHIE	PO BOX 1142 W. CHATHAM, MA. 02669
RAYMOND MITKUS	357 OLD QUEEN ANNE RD. CHATHAM, MA. 02633
STEPHEN KILROY	PO BOX 1341 W. CHATHAM, MA. 02669
JEFFREY FRANKEL	86 VINEYARD AVE. CHATHAM, MA. 02633
CHARLES PETERSON	228 VINEYARD AVE. CHATHAM, MA. 02633
JANE MCILVIN	PO BOX 679 W. CHATHAM, MA. 02669
JOHN BRODERICK	88 DARTMOUTH AVE. DEDHAM, MA. 02026
GEORGE MCMANUS	28 AUNT MATTIES RD. W. CHATHAM, MA. 02633
WALLACE H. & JEREMY BICKNELL	112 INDIAN HILL RD. CHATHAM, MA. 02633
LAWRENCE LUNDY	40 BROOKS RD. LONGMEADOW, MA. 01106
KATRINA BEACHEN	113 MEADOWMEW CHATHAM, MA. 02633
HARRY PEARLS	453 E. ROYAL FLAMINGO DR. SARASOTA, FL. 34236
JONATHAN NYE	2357 CAYUGA RD. NISKAYUNA, NJ. 12309
ROSS RINGHEIM	PO BOX 607 W. CHATHAM, MA. 02669
PAUL CAMPBELL	31 TOMAHAWK RD. ARLINGTON, MA. 02174
GEORGE WYBIERALLA	101 SCHOOL ST. BELMONT, MA. 02478
ROBERT DOANE	127 OAK HILL RD. CHATHAM, MA. 02633
CAROL HUGES	1 MAIN ST. DOVER, MA. 02030
BRAD REIN & RICHARD REIN	17 MORNINGSIDE AVE. NATICK, MA. 01760
EVERETT ELDREDGE	29 BIRCH DR. HARWICH, MA. 02645
ROBERT O'NEIL	106 DEAN ST. BELMONT, MA. 02178
RICHARD MALONEY	6 MARCO RD. WILLINGTON, CT. 06279
HERBERT BASSETT JR.	PO BOX 499 S. CHATHAM, MA. 02659
MRS. JOAN MCCLELLAN	23 LAUREL LN. GREENWICH, CT. 06830
PETER KOLB	271 COCKLE COVE RD. S. CHATHAM, MA. 02659
DAVID QUINONES	12 HILLSIDE DR. HOLLISTON, MA. 01746



NANTUCKET SOUND  
TIDAL FLOOD PROFILE

REF: A.C.O.E. TIDAL FLOOD SURVEY, SEPT. 1988 PLATE C-23 PROFILE 9

M2BU MASS GEODETEC STATION ELEVATION 15.17 NGVD; 15.17= 16.97 MLW

ELEVATIONS SHOWN ARE MEASURED IN FEET AND TENTHS PLUS  
OR MINUS FROM THE PLANE OF MEAN LOW WATER EL.=0.0'

## ACOE TIDAL PROFILE

SCALE: 1"=4'

DRAWING C12377\_03.dwg  
DRAWN BY: KES  
C12377.03

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## DETAILS

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DECEMBER 1, 2008 SHEET 4 OF 4